IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.1432/06

Shri.Rajendra Prasad Dwivedi .....Applicant

V/s.

Union of India & Anr. .... Respondents

Shri.B.B. Tiwari for the applicant
Shri.D.N. Salvi for Respondent No.1.
Miss.R.M. Gadhvi APP for the State.

CORAM : V.M. KANADE, J.
DATE : 02/05/06

P.C:

1. Heard the learned Counsel for the applicant and the learned APP for the State.

2. The applicant was arrested in connection with RC.No.I-A/2006 registered with ACU-IX, New Delhi for the offences punishable U/s.8 & 14 of the Prevention of Corruption Act r/w 120-B IPC. The applicant was a Public Prosecutor appearing for the CBI and it is alleged that he had accepted money from the accused on number of occasions. The applicant is in jail

since last 48 days. It is submitted that investigation is over. When query was made by the learned counsel for the applicant whether chargesheet would be filed within next 12 days, learned APP for the State on taking instructions from the officer who was present in the Court submitted that in view of voluminous evidence, there is no possibility that chargeshet would be filed within the next 12 days. Learned counsel for the applicant submitted that applicant even otherwise is a cancer patient who was admitted in the Bombay Hospital earlier and therefore, on medical ground also he submitted that the applicant may be released on bail.

3. Since the chargesheet is not likely to be filed within 60 days, the applicant even otherwise would be released on bail in view of indefeasible right which would be created in his favour on account of non filing of chargesheet within 60 days. Secondly it is not disputed that the applicant is a cancer patient and suffering from this disease from the last four years.

4. Under this circumstance, the applicant be

released on bail in the sum of Rs.25,000/- with one or two sureties in like amount. The applicant shall make himself available to the I.O. as and when called.

5. However, it is clarified that the applicant shall not enter CBI office and Tanna House unless called. The applicant shall not tamper with the evidence and threaten the witnesses. The applicant shall not leave the State of Maharashtra without taking permission from this court.

6. The applicant may initially furnish cash bail for the said amount of 25,000/- and thereafter may furnish one or two sureties as stated hereinabove within a period of two weeks.

7. If any complaint is received by I.O. against the present applicant, liberty is given to the Public Prosecutor to apply for cancellation of bail.

8. Application is accordingly disposed of.

V.M. KANADE, J.